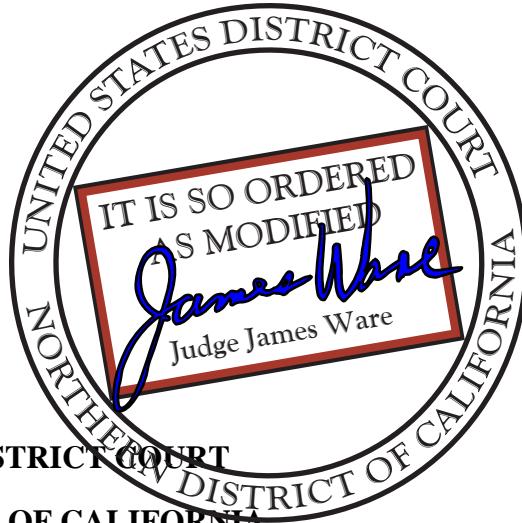


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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

PIERRE LEBON HOFFMAN,  
Plaintiff,  
v.  
DR. CHARLES LEE,  
Defendant.

Case No. C 06-02248 JW (PR)

**STIPULATED [PROPOSED] ORDER FOR  
MODIFIED CASE SCHEDULE**

Dept: 8, 4th Floor  
Judge: Honorable James Ware

18 On September 9, 2009, this Court granted Plaintiff's Motion to file a First Amended  
19 Complaint, and Defendant's Motion to Introduce Testimony of a Rebuttal Expert. On September  
20 23, 2009, the parties met with Magistrate Judge Nandor J. Vadas for a Settlement Conference.  
21 Although the parties did not reach settlement on that date, the parties believe that a further  
22 settlement conference may be productive after the Court rules on certain anticipated trial motions.  
23 In accordance with the Court's September 9, 2009 Order, the parties submit this Stipulated  
24 Proposed Order for a Modified Case Schedule:

25           1. Defendant shall respond to plaintiff's First Amended Complaint no later than  
26 **October 9, 2009**. If Defendant chooses to file a motion pursuant to Federal Rule of Civil  
27 Procedure 12(b), said motion will be heard on **December 14, 2009 at 9:00 a.m.**, or at a time and  
28 date convenient to the Court.

- 1        2.      Defendant will depose Plaintiff's expert no later than **October 16, 2009**.
- 2        3.      If Defendant chooses to designate a rebuttal expert pursuant to the Court's
- 3        September 9, 2009 Order, Defendant will serve on all other parties the name, address,
- 4        qualifications, resume and a written report which complies with Federal Rule of Civil Procedure
- 5        26(a)(2)(B) regarding this rebuttal expert no later than **October 16, 2009**.
- 6        4.      If Plaintiff objects to the qualifications or proposed testimony of Defendant's
- 7        rebuttal expert, Plaintiff may file and serve, no later than **November 9, 2009**, a motion to exclude
- 8        the expert or any portion of the expert's testimony in accordance with Civil Local Rule 7-2
- 9        ("Motion to Exclude"). Said motion will be heard on **December 14, 2009 at 9:00 a.m.**, or at a
- 10      time and date convenient to the Court.
- 11      5.      The parties will contact Judge Nandor J. Vadas to schedule a Continued Settlement
- 12      Conference, seeking a date in accordance with his and the parties' availability, following as
- 13      closely as possible the December 14, 2009 hearing date on the parties' motions.
- 14      6.      Plaintiff shall depose Defendant's rebuttal expert no later than **December 18, 2009**.
- 15      The parties shall appear for a Preliminary Pretrial Conference on **January 25, 2010 at**
- 16      **11 a.m.** On or before January 15, 2010, the parties shall file a Joint Preliminary Pretrial
- 17      Conference Statement. The Statement shall include, among other things, an update on the parties'
- 18      settlement efforts, and the parties' proposed trial schedule.
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2 **IT IS SO STIPULATED AS MODIFIED.**

3 DATED: September 28, 2009

COBLENTZ, PATCH, DUFFY & BASS LLP

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5 By: /s/

6 JULIA D. GREER  
7 Attorneys for Plaintiff  
8 PIERRE LEBON HOFFMAN

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DATED: September 28, 2009

EDMUND G. BROWN JR.  
ATTORNEY GENERAL OF THE STATE OF  
CALIFORNIA

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12

PAUL T. HAMMERNESS  
Supervising Deputy Attorney General

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By: /s/

TROY B. OVERTON  
Deputy Attorney General  
Attorneys for Defendant  
DR. CHARLES D. LEE

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**IT IS SO ORDERED AS MODIFIED.**

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DATED: October 2, 2009

20 By:

Hon. JAMES WARE  
United States District Judge  
Northern District of California

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